

UNITED STATES DISTRICT COURT

for the  
Western District of Virginia

United States of America  
v.  
\* \*Eric Devon Day

JOHN F. CORCORAN, CLERK  
BY: H. McDonald  
DEPUTY CLERK

**AMENDED Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_  
Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_  
Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

### III. ADDITIONAL COMMENTS

Defendant was sentenced as a career offender and thus is ineligible for a reduction in sentence.

Except as provided above, all provisions of the judgment dated 10/15/1998 shall remain in effect.

## IT IS SO ORDERED.

Order Date: 3-17-08

Effective Date: 2/2/08  
(if different from order date)